



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 4.20**

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### **Subject: Sexual Harassment**

Supersedes: DCS 4.20, 11/01/02

**Local Policy: No**

**Local Procedures: No**

**Training Required: No**

Approved by:

Effective date: 01/01/98

Revision date: 04/01/03

### **Application**

To All Department of Children's Services Employees

**Authority:** TCA37-5-106; Title VII of the Civil Rights Act of 1964

### **Policy**

It is the policy of the Department of Children's Services to provide a work environment free of sexual harassment, and to comply with Federal and State laws and policies regarding freedom from sexual harassment.

### **Procedures**

#### **A. Definition of sexual harassment**

1. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and it is against the policies of the State of Tennessee Department of Children's Services for any employee, male or female, to sexually harass another employee by:
  - a) Making un-welcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature as a condition of employment, or continued employment or,
  - b) Making submission to or rejections of such conduct the basis for administrative decisions affecting employment, or

- c) Creating an intimidating, hostile or offensive working environment by such conduct.
- 2. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:
  - a) **Verbal**: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
  - b) **Non-Verbal**: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
  - c) **Physical**: Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.
- 3. Behavior that will be considered sexual harassment may be overt or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the work place, but whatever form it takes, verbal, non-verbal or physical, sexual harassment can be insulting and demeaning to the recipient and will not be tolerated in the work place.
- 4. Sexual harassment by any employee, director, supervisor, or non-employee will not be tolerated. All employees, directors, supervisors and non-supervisors alike, will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur, or re-occur.

**B. Complaint procedure**

- 1. Any employee who believes that he or she has been the subject of sexual harassment should report the alleged act immediately to his or her director, supervisor, Employee Equal Opportunity/Affirmative Action (EEO/AA) Officer or Coordinator, or the State Office of Employee Relations (741-1646).
- 2. If possible, the employee should try, initially, to resolve the problem internally. If a complaint involves a director or other top management official, the complaint shall be filed

directly with the Tennessee Department of Personnel.

**C. Confidentiality**

1. All complaints will be handled in a timely and confidential manner. In no event shall information concerning a complaint be released to third parties or to anyone who is not involved with the investigation, nor shall anyone involved be permitted to discuss the subject outside the investigation.
2. The purpose of this provision is to protect the confidentiality of the employee that files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
3. All alleged incidents, or complaints, of sexual harassment along with findings, resolutions, and/or actions taken, shall be forwarded to the Director of Personnel for recording purposes.

**D. Investigation**

Upon each complaint of sexual harassment, it is incumbent upon the appropriate supervisor/manager/director to investigate. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees will be guaranteed an impartial and fair hearing. All employees will be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.

**E. Disciplinary  
Action**

If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence must be taken. The form of disciplinary action must be considered and decided upon by the appropriate departmental authority. Based on the seriousness of the offense, such action may include but is not limited to verbal or written reprimand, suspension, demotion, or termination.

**Forms**

None

## **Collateral Documents**

*None*

## **Standards**

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